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JUL 07 2004

In re Application of :
David Morrow, Jessie Hubbard, and Salvatore :
Locascio :
Application No. 09/837,826 :
Filed: April 18, 2001 :
Attorney Docket No.: WLI 1012 PUS :
Title: LACROSSE GOALIE STICK HEAD :

OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the renewed petition filed March 22, 2004, pursuant to 37 C.F.R. §1.137(b)¹, to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed May 15, 2002, which required the applicant to file an executed oath or declaration, along with the fee associated with the late filing of an oath of declaration. The notice set a shortened statutory period for reply of two (2) months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on July 16, 2002.

With the original petition, submitted on November 22, 2002, petitioner submitted the petition fee and the proper statement of unintentional delay.

The original petition was dismissed via the mailing of a decision on April 2, 2003 for failure to include the required reply.

1 A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

With the renewed petition, this deficiency has been rectified, and an executed declaration has been provided, along with the required surcharge. Petitioner has also submitted a duplicate petition fee, which has been refunded to his Deposit Account.

As such, the petition is **GRANTED**.

After this decision is mailed, the application will be forwarded to Technology Center 3700 for further processing.



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